

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:	*	
	*	CASE NO. 19-06121 MCF
PABLO IVAN ACEVEDO VELAZQUEZ	*	
	*	CHAPTER 13
<u>DEBTOR</u>	*	

**DEBTOR'S MOTION REQUESTING COURT AUTHORIZATION
TO INCUR IN CREDIT/REFINANCING OF CAR LEASE BALANCE**

TO THE HONORABLE COURT:

NOW COMES, **PABLO IVAN ACEVEDO VELAZQUEZ**, the Debtor, through the undersigned attorney, and very respectfully states and prays as follows:

1. On October 22, 2019, the herein Debtor filed the above captioned bankruptcy case under Chapter 13, 11 USC §§1301 *et. seq.*

2. The Debtor's proposed *Amended Chapter 13 Plan* dated February 27, 2020, provides for Claim No. 7-1 filed by creditor Popular Auto, LLC, a car lease on a 2012 Subaru Impreza.

3. The car lease with Popular Auto matured on February 04, 2020, and the Debtor owes a "residual balance" on the car lease with said creditor and certain pre-petition arrears in the sum of \$3,380.78, as per Claim No. 7-1 filed by Popular Auto.

4. Under the terms of the Debtor's *Amended Chapter 13 Plan*, the Debtor proposes to assume said car lease, whereby the Debtor is to pay current direct car lease payments to Popular Auto, LLC, and the pre-petition arrears to be paid through the refinancing of the car lease residual balance.

5. On February 26, 2020 the Debtor met with Popular Auto, LLC, and he (the Debtor) was qualified for a loan to refinance the residual balance, including the pre-petition arrears as per Claim No. 7-1.

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6. The Debtor and Popular Auto, LLC have agreed to the aforesated refinancing through Popular Auto, LLC, thus, the Debtor hereby requests the Court authorization to incur in a refinancing of the above stated residual balance owed to Popular Auto.

7. Under the terms of the new lease agreement, the Debtor is to pay Popular Auto, LLC the sum of \$472.15 for forty-two (42) months.

8. The Debtor hereby respectfully requests this Honorable Court to approve and grant its authorization for the Debtor to obtain post-petition financing of the balance owed to Popular Auto, LLC, through the proposed post-petition refinancing.

9. Should the Court approve this post-petition refinancing the Debtor and creditors will benefit considering that creditor Popular Auto, LLC will be paid its balance owed, including the pre-petition arrears as per Claim No. 7-1 which are included in said refinancing; the Debtor will be able to retain his automobile, which is needed as transportation means to go to work; the previous lease payment of \$788.00 will be reduced to \$472.15, which will allow the Debtor a needed cushion to maintain current the proposed Plan payments to the Trustee; and, the Debtor will not receive any proceeds from said transaction.

10. The Debtor is current in the Plan payments to the Trustee and respectfully understands that he has the financial ability to incur in the post-petition loan with Popular Auto, LLC, thus, the Debtor respectfully requests that the Court grant authorization to incur in this post-petition loan refinancing and continue with the closing of the same with Popular Auto, LLC.

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11. Based on the aforementioned, the Debtor respectfully requests this motion be granted and the Court to enter an Order allowing the Debtor to incur in the post-petition loan refinancing as herein described. 11 U.S.C. Section 364; Rule 4001 (c) of the Federal Rules of Bankruptcy Procedure; Local Rule 4001-2, Local Bankruptcy Rules -DPR.

WHEREFORE, the Debtor respectfully requests this Honorable Court grant the present motion authorizing the Debtor to incur in the post-petition refinancing, as herein submitted.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006 (f) if you were served by mail, any party against whom this paper has been served, or any other party to the action that objects to the relief sought herein shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which will send notice of same to the Chapter 13 Trustee; U.S. Trustee's Office; and all system participants; I also certify that a copy of this motion was sent via US Mail to the Debtor; and to all creditors and parties in interest (EM/ECF non-participants) appearing in the master address list, hereby attached.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 27th day of February, 2020.

/s/Roberto Figueroa Carrasquillo

USDC #203624

RFIGUEROA CARRASQUILLO LAW OFFICE PSC
ATTORNEY FOR the DEBTOR

PO BOX 186 CAGUAS PR 00726-0186

TEL NO 787-744-7699 FAX 787-746-5294

Email: rfc@rfigueroalaw.com

Label Matrix for local noticing
0104-3
Case 19-06121-MCF13
District of Puerto Rico
Old San Juan
Thu Feb 27 13:41:59 AST 2020

US Bankruptcy Court District of P.R.
Jose V Toledo Fed Bldg & US Courthouse
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

Banco Popular de Puerto Rico
Bankruptcy Department
PO Box 366818
San Juan, PR 00936-6818

Cavalry SPV I, LLC
500 Summit Lake Drive, Ste 400
Valhalla, NY 10595-2321

Citibank NA
PO Box 790110
St Louis, MO 63179-0110

DEPARTMENT OF TREASURY
BANKRUPTCY SECTION 424 B
PO BOX 9024140
SAN JUAN, PR 00902-4140

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Synch/Sams Club DC
PO Box 965005
Orlando, FL 32896-5005

Thd/Cbna
PO Box 6497
Sioux Falls, SD 57117-6497

POPULAR AUTO
PO BOX 366818
SAN JUAN, PR 00936-6818

American Express National Bank
c/o Becket and Lee LLP
PO Box 3001
Malvern PA 19355-0701

COOPERATIVA A/C LAS PIEDRAS
APARTADO 414
LAS PIEDRAS PR 00771-0414

Cbna
PO Box 6497
Sioux Falls, SD 57117-6497

Coop A/C Piedras
PO Box 252
Las Piedras, PR 00771-0252

Departamento de Hacienda
PO Box 9024140
San Juan, PR 00902-4140

POPULAR AUTO
BANKRUPTCY DEPARTMENT
PO BOX 366818
SAN JUAN PUERTO RICO 00936-6818

Sistema de Retiro AEE
PO Box 70375
San Juan, PR 00936-8375

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk VA 23541-1021

Toyota Credit de Puerto Rico
PO Box 9013
Addison, Texas 75001-9013

TOYOTA CREDIT DE PUERTO RICO
MARTINEZ & TORRES LAW OFFICES PSC
PO BOX 192938
SAN JUAN, PR 00919-3409

Amex
PO Box 981537
El Paso, TX 79998-1537

Cavalry Portfolio Serv
500 Summit Lake Dr
Valhalla, NY 10595-2322

Citi
PO Box 6190
Sioux Falls, SD 57117-6190

Costco Wholesale Corporation
999 Lake Dr
Issaquah, WA 98027-5367

(p)JEFFERSON CAPITAL SYSTEMS LLC
PO BOX 7999
SAINT CLOUD MN 56302-7999

Popular Auto Leasing
PO Box 362708
San Juan, PR 00936-2708

Synch/Jc Penney Pr
PO Box 965007
Orlando, FL 32896-5007

Synchrony Bank
c/o of PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

Toyota Motor Credit Co
PO Box 9786
Cedar Rapids, IA 52409-0004

ALEJANDRO OLIVERAS RIVERA
ALEJANDRO OLIVERAS CHAPTER 13 TRUS
PO BOX 9024062
SAN JUAN, PR 00902-4062

MONSITA LECAROS ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901

PABLO IVAN ACEVEDO VELAZQUEZ
HC04 BOX 8360
AGUAS BUENAS, PR 00703-8851

ROBERTO FIGUEROA CARRASQUILLO
PO BOX 186
CAGUAS, PR 00726-0186

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Jefferson Capital Systems LLC
Po Box 7999
Saint Cloud Mn 56302-9617

Portfolio Recovery Associates, LLC
POB 12914
Norfolk VA 23541

End of Label Matrix	
Mailable recipients	33
Bypassed recipients	0
Total	33